

16 Inmates and Ex-Inmates Accused in Attica Uprising

By Anthony Astrachan

Washington Post Staff Writer

NEW YORK, Dec. 18 — The first 16 men accused in the 1971 revolt at Attica prison were inmates or former inmates, according to criminal indictments made public today. Two were charged with the murder of a prison guard and one with the murder of another inmate.

The criminal investigation appeared to emphasize the responsibility of prisoners for the revolt. It thus differed dramatically from the report of the official New York State fact-finding commission, which emphasized the disregard for human life displayed by state officials and police in recapturing the prison.

State troopers and prison guards killed 33 inmates and 11 guards held as hostages in 15 minutes of wild shooting in the recapture.

Thirty-seven criminal indictments were handed up sealed on Friday by a Wyoming County grand jury whose investigation was directed by Robert E. Fischer, a deputy attorney general of New York. Sixteen of the unknown number of persons named in the indictments were either arraigned today before New York State Supreme Court Justice Carmine P. Ball in Warsaw, N.Y., or told of the charges pending against them.

The first two were formally charged with the murder of guard William Quinn by striking him with wooden objects. Quinn was killed Sept. 11, 1971, two days before the taking of Attica.

The two were Charles J. Pernasilice, 20, who had been at Attica for violating parole after serving two years of a four-year reformatory sentence for a joy ride on a motorcycle at the age of 16, and John Hill, still an Attica inmate.

Members of the Attica Defense Committee in Buffalo said Pernasilice had never been involved in any kind of violent activity.

Six of the arraigned men were brought to Wyoming County Courthouse in shackles this morning.

Mariano Gonzalez was charged with the murder of another inmate.

David Rothenberg off the Fortune Society, a New York organization which helps former convicts return to community life, said this and the sealing of the indictments were intended to convey the impression that the accused were "dangerous animals lurking in the cities" who might escape if they were released before they were captured and arraigned.

Rothenberg said there might be something unconstitutional in state officials being the prosecutors in the Attica case because state officials had been shown to be at fault, and suggested that the case might have to be moved to a federal court.

The other inmates and former inmates arraigned today were Eric Thompson, Vernon LaFranque, Jose Quinones, Robert Johnson, William Ortiz, Frank Smith, Bernard Stroble, Edward Bingle, Robert Billillo, Calvin Hudson, William Bennett, Otis McGeaughy and William Outlaw.

The state fact-finding investigation, headed by Dean Robert B. McKay of the New York University law school, found that most of the grievances that led to the Attica uprising were legitimate, while it condemned the taking of hostages.

It criticized Gov. Nelson Rockefeller for not coming to Attica during the rising, as an observers' committee and correction commissioner Russell G. Oswald requested.